

SENATE JOINT RESOLUTION 923

By Burchett

A RESOLUTION to request that administrators of state-sponsored or state-owned networks, including administrators of public colleges and universities within Tennessee, explore the availability of network technology, legitimate online services, and other solutions to address the risks and detrimental effects of certain online peer-to-peer file-sharing services.

WHEREAS, a "peer-to-peer file-sharing" program is computer software, other than computer and network operating systems, that has as its primary function the capability to allow the computer on which the software is used to designate files available for transmission to another computer using the software, to transmit files directly to another computer using the software, and to request the transmission of files from another computer using the software; and

WHEREAS, the presence of certain peer-to-peer file-sharing software on state computers presents a significant security risk by potentially allowing individuals outside of the state system to access confidential and sensitive information that may be stored or maintained on state computers and networks; and

WHEREAS, use of some peer-to-peer file-sharing services on state government computers and networks can threaten the security and privacy of the information on those computers; and

WHEREAS, some peer-to-peer file-sharing services may permit viruses and other malicious programs to gain access to state computer systems; and

WHEREAS, use of some peer-to-peer file-sharing services consumes network resources, which may reduce the performance of state computer systems and impact the state's ability to effectively function and provide efficient services to the public; and

WHEREAS, use of some peer-to-peer file-sharing services consumes network resources, which may reduce the performance or mission of state-sponsored or state-owned networks, including the networks of public colleges and universities within Tennessee; and

WHEREAS, while peer-to-peer technology may hold the potential for legitimate uses, currently peer-to-peer file-sharing services are often used to enable illegal dissemination and downloading of copyrighted material, including music, motion pictures, software and video games, resulting in huge losses of revenue to creators, artists, and owners of copyrighted works; and

WHEREAS, these huge losses extend to Tennessee's economy through lost sales, jobs, and taxes totaling over \$6.5 billion; and

WHEREAS, the State of Tennessee should take steps to ensure that state computers and computers running on state-sponsored or state-owned networks, including the networks of public colleges and universities within the state, are not being used to disseminate or download copyrighted material through peer-to-peer file-sharing programs; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that users of state computers and computers running on state-sponsored or state-owned networks, including the networks of public colleges and universities within Tennessee, should be prohibited from using peer-to-peer file-sharing programs to engage in illegal conduct or conduct which may pose risks to the security and integrity of state-sponsored or state-owned computers or computer networks.

BE IT FURTHER RESOLVED, that the Chief Information Officer of the State of Tennessee should develop a statewide policy for use by each state agency, department, board, commission and office of the executive branch regarding the use of peer-to-peer file-sharing programs on state computers and computers running on state-sponsored or state-owned networks, including the networks of public colleges and universities within Tennessee.

BE IT FURTHER RESOLVED, that such policy should recommend a prohibition of such programs that pose risks to the security and integrity of state-owned and state-sponsored computer systems and that compromise those systems by enabling a disproportionate amount of illegal conduct.

BE IT FURTHER RESOLVED, that the Chief Information Officer of the State of Tennessee and administrators of state-sponsored or state-owned networks, including the

networks of public colleges and universities within Tennessee, should explore the availability and cost effectiveness of filtering, screening or blocking types of technology, for use in ensuring compliance with the policy.

BE IT FURTHER RESOLVED, that administrators of networks of public colleges and universities within Tennessee should explore the adoption of authorized licensed online content distribution and subscription services to enable students to acquire copyrighted content legally and efficiently, without compromising the security, integrity, and valuable bandwidth of the network.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy.